

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
§ No. 4:18CR190
v. § Judge Crone
§
STEPHEN CHASE CLARK §

ELEMENTS OF THE OFFENSE

The defendant, **Stephen Chase Clark (Clark)**, is charged in Counts One and Two of the Indictment with violating 18 U.S.C. § 2422(b) (Attempted Coercion and Enticement) and 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1) (Receipt of Child Pornography), respectively. The elements of the offense that the government must prove beyond a reasonable doubt, but that **Clark** would admit if his pleas are accepted, are:

Count One: Attempted Coercion and Enticement of a Minor

1. The defendant knowingly persuaded, induced, enticed, or coerced, and attempted to persuade, induce, entice, or coerce, an individual to engage in any sexual activity, as charged;
2. The defendant used a means and facility of interstate and foreign commerce to do so;
3. The defendant believed that such individual was less than 18 years of age; and
4. That had the sexual activity actually occurred, the defendant could have been charged with violations of the laws of the state of Texas, including Aggravated Sexual Assault, Texas Penal Code § 22.021.

Count Two: Receipt of Child Pornography

1. The defendant knowingly received an item(s) of child pornography;
2. The item of child pornography had been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; and
3. When the defendant received the item(s), the defendant knew the item was child pornography.

Respectfully submitted,

JOSEPH D. BROWN
UNITED STATES ATTORNEY

/s/
Marisa J. Miller
Assistant United States Attorney
New York Bar No. 4366415
101 East Park Boulevard, Suite 500
Plano, Texas 75074
(972)509-1201
(972)509-1209 (fax)
Marisa.Miller@usdoj.gov

CERTIFICATE OF SERVICE

I certify that a copy of this document was served by electronic filing to opposing counsel on February 18, 2019.

/s/
Marisa J. Miller